

\*\*E-filed 8/10/06\*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOWARD CHU, Derivatively On Behalf of	)	No. C-06-3513-JF
Nominal Defendant RAMBUS INC.,	)	
	)	[ <del>PROPOSED</del> ] ORDER GRANTING
Plaintiff,	)	PLAINTIFFS' MOTIONS TO
	)	CONSOLIDATE RELATED CASES AND
vs.	)	APPOINT LEAD PLAINTIFF AND LEAD
	)	COUNSEL
HAROLD HUGHES, et al.,	)	
	)	
Defendants,	)	
	)	
– and –	)	
	)	
RAMBUS INC.,	)	
	)	
Nominal Defendant.	)	

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[Caption continued on following page.]



Motions to Consolidate Actions and Appoint Lead Plaintiff and Lead Counsel (the “Motions”) came on for hearing in the ordinary course. Having considered the papers submitted in support of and in response to the Motions, the argument of counsel, if any, and for good cause shown, the Court ORDERS as follows:

**I. CONSOLIDATION OF ACTIONS**

1. The following actions are hereby consolidated for all purposes, including pretrial proceedings, trial and appeal:

<u>Abbreviated Case Name</u>	<u>Case Number</u>	<u>Date Filed</u>
<i>Chu v. Hughes, et al.</i>	C 06-3513-JF	March 31, 2006
<i>Bibeau v. Hughes et al.</i>	C 06-3921-JF	June 23, 2006
<i>Ruggieri v. Hughes, et al.</i>	C 06-4153-RMW	July 5, 2006

2. The caption of these consolidated actions shall be “*In re Rambus Inc. Derivative Litigation*” and the files of these consolidated actions shall be maintained in one file under Master File No. C-06-3513-JF. Any other actions now pending or later filed in this Court which arise out of or are related to the same facts as alleged in the above-identified cases shall be consolidated for all purposes, if and when they are brought to the Court’s attention.

3. Every pleading filed in the consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re RAMBUS INC. DERIVATIVE	)	Master File No. C-06-3513-JF
LITIGATION	)	
_____	)	
This Document Relates To:	)	
_____	)	

4. When a pleading is intended to be applicable to all actions governed by this Order, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court’s docket number for each individual action to which the pleading

1 is intended to be applicable and the abbreviated case name of said action shall appear immediately  
 2 after the words "This Document Relates To:" in the caption described above (*e.g.*, "No. 5:06-cv-  
 3 03921-JF, *Bibeau v. Hughes, et al.*").

4 5. A Master Docket and a Master File hereby are established for the above consolidated  
 5 proceedings and for all other related cases filed in or transferred to this Court. Separate dockets shall  
 6 continue to be maintained for each of the individual actions hereby consolidated, and entries shall be  
 7 made in the docket of each individual case in accordance with the regular procedures of the clerk of  
 8 this Court, except as modified by this Order.

9 6. When a pleading is filed and the caption shows that it is applicable to "All Actions,"  
 10 the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No  
 11 further copies need be filed, and no other docket entries need be made.

12 7. When a pleading is filed and the caption shows that it is to be applicable to fewer than  
 13 all of the consolidated actions, the clerk will file such pleading in the Master File only but shall  
 14 docket such filing on the Master Docket and the docket of each applicable action.

15 8. When a case which properly belongs as part of *In re Rambus Inc. Derivative*  
 16 *Litigation* is filed in this Court or transferred to this Court from another court and assigned to Judge  
 17 Fogel, the clerk of this Court shall:

- 18 (a) Place a copy of this Order in the separate file for such action;
- 19 (b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred case a  
 20 copy of this Order and direct that this Order be served upon or mailed to any new defendant(s) or  
 21 their counsel in the newly-filed or transferred case; and
- 22 (c) Make an appropriate entry on the Master Docket. This Court requests the  
 23 assistance of counsel in calling to the attention of the clerk of this Court the filing or transfer of any  
 24 case which properly might be consolidated as part of *In re Rambus Inc. Derivative Litigation*.

## 25 **II. APPOINTMENT OF LEAD PLAINTIFFS AND LEAD COUNSEL**

26 9. Plaintiffs Howard Chu and Gaetano Ruggieri shall be appointed Lead Plaintiffs.  
 27  
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1           10.     The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and  
2     Schiffrein & Barroway, LLP shall be appointed Lead Counsel for plaintiffs in the consolidated  
3     Rambus shareholder derivative actions.

4           11.     Lead Counsel shall have authority to speak for plaintiffs in matters regarding pretrial  
5     and trial procedure and settlement negotiations, and shall make all work assignments in such manner  
6     as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or  
7     unproductive effort.

8           12.     Lead Counsel shall be responsible for coordination of all activities and appearances  
9     on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion,  
10    request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs except  
11    through Lead Counsel.

12          13.     Lead Counsel also shall be available and responsible for communications to and from  
13    this Court. Lead Counsel shall be responsible for the creation and maintenance of a master service  
14    list of all parties and their respective counsel.

15          14.     Defendants' counsel may rely upon all agreements made with Lead Counsel, or other  
16    duly authorized representatives of plaintiffs, and such agreements shall be binding on plaintiffs.

17    **III.    SCHEDULE**

18          15.     Plaintiffs shall no later than 45 days from the entry of this Order file and serve a  
19    Consolidated Complaint which will supersede all existing complaints filed in these actions.  
20    Defendants need not respond to any of the pre-existing complaints. Service, pursuant to Rule 4 of  
21    the Federal Rules of Civil Procedure, of any of the pre-existing complaints on any of the defendants,  
22    or their counsel, shall constitute sufficient service on that defendant. Service shall be effected with  
23    respect to any defendant named in any of the consolidated actions by serving the Consolidated  
24    Complaint on that defendant's counsel.

25          16.     Each defendant shall answer or otherwise respond to the Consolidated Complaint no  
26    later than 45 days from the date of service. In the event that defendants file and serve any motion  
27    directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 45 days  
28

after the service of defendants' motion. If defendants file and serve a reply to plaintiffs' opposition, they will do so within 15 days after service of the opposition.

IT IS SO ORDERED.

DATED: 8/9/06

  
\_\_\_\_\_  
THE HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

Submitted by:

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RUDMAN & ROBBINS LLP  
DARREN J. ROBBINS  
TRAVIS E. DOWNS III  
BENNY C. GOODMAN III  
THOMAS G. WILHELM

s/ TRAVIS E. DOWNS III  
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[Proposed] Lead Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ TRAVIS E. DOWNS III

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## Mailing Information for a Case 5:06-cv-03513-JF

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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### Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)